IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE SECOND DAY OF MARCH
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MS JUSTICE G.ROHINI

WRIT PETITION NO : 3925 of 2005

Between:

Sree Seetharamaswamy Vari Temple, Salur, Vizianagaram District,
rep. by its Trustee Sri Raja Vikramchandra Sanyasi Raju, S/o Late L.N. Sanyasi Raju, Aged 52 years.

... PETITIONER

AND

The Mandal Revenue Officer, Salur Mandal and Post, Vizianagaram District.

...RESPONDENT

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a Writ, Order or direction, more particularly a Writ in the nature of Writ of Mandamus declaring the action of the respondent in not conducting the enquiry under the provisions of the A.P. Records of Rights in Land and Pattedar pass book Act, 1971 with reference to Sec. 6 (A) (2) and in not issuing notice to the petitioner while conducting said enquiry as bad, illegal, arbitrary and oppose to law and pass such other order or orders as the Hon'ble Court may deem fit and proper.

Counsel for the Petitioner: MR.M.VIDYASAGAR

Counsel for the Respondent: GP FOR REVENUE

The Court at the stage of admission made the following:

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ORDER:

The petitioner is Sree Seetharamaswamy Vari Temple, Salur, Vizianagaram District. It is stated that the land to an extent of Ac.3.56 cents situated in Sy.No.283/1B, was gifted by the Jamindar of Salur in favour of the petitioner-temple. It is stated that by virtue of the proceedings of the Assistant Manager of the Courts of Wards of Salur Estate dated 30-12-1952 absolute rights were conferred in favour of the Salur Jamindar in respect of the entire estate of Salur. While so, on an application made by some of the persons claiming title to the said land, the Mandal Revenue Officer, Salur initiated enquiry with regard to the title and patta in respect of the land in Sy.No.283/1B admeasuring Ac.3.56 cents. Since, the said land belongs to the petitioner-temple, the petitioner-temple made representations dated 29-07-2003 and 10-07-2004 requesting the respondent-Mandal Revenue Officer to issue notice to them so as enable them to submit their objections in the enquiry pending before him. The only grievance of the petitioner in this writ petition is that the respondent-Mandal Revenue Officer without considering their request has been proceeding with the enquiry. Hence this writ petition seeking a declaration that the action of the respondent is arbitrary and illegal.

Since, admittedly the enquiry under the provisions of the A.P. Record of

Rights in Land and Pattadar Pass Books Act, 1971 is pending before the respondent-Mandal Revenue Officer in respect of Pattadar Passbooks and title deeds granted in favour of one Rapaka Bhaskar Rao in respect of the land in question situated in S.No.283 of Salur and keeping in view the claim made by the petitioner-temple in respect of the land in question, I am of the view that it would be appropriate to afford the petitioner temple an opportunity to participate in the enquiry.

Accordingly, the writ petition is disposed of with a direction to the respondent-Mandal Revenue Officer to issue notice to the petitioner-temple, so as enable them to participate in the enquiry, pending on his file, in R.C.No.643/03/A and pass appropriate orders following due process of law after considering the objections, if any, raised by them.

The writ petition is accordingly disposed of. No order as to costs.

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G. ROHINI, J

Dated: 02-03-2005

LSK

ASSISTANT REGISTRAR

To

1. The Mandal Revenue Officer, Salur Mandal and Post, Vizianagaram District.

2. Two C.C. to the Government Pleader for Revenue, High Court Buildings, Hyderabad. (O.U.T)

3. Two C.D. copies.